



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,268	12/15/2003	Matthew J. Campagna	F-707	3839
7590 Ronald Reichman Pitney Bowes Inc. 35 Waterview Drive P.O. Box 3000 Shelton, CT 06484				
06/17/2009				
EXAMINER				
ERB, NATHAN				
ART UNIT		PAPER NUMBER		
3628				
MAIL DATE		DELIVERY MODE		
06/17/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/736,268

Applicant(s)

CAMPAGNA ET AL.

Examiner

NATHAN ERB

Art Unit

3628

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 May 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 28 May 2009. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-17.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/John W Hayes/
Supervisory Patent Examiner, Art Unit 3628

Continuation of 11, does NOT place the application in condition for allowance because: The only change to the claim language in the After-Final Response appears to be a minor change in punctuation in claim 15. Therefore, the rejections from the Final Office action are not affected by the After-Final Amendment of the claims.

Regarding Applicant's arguments, Applicant reproduces various passages from the prior art references, then re-asserts that "Whitehouse, Ryan, Pintsov and Van Haagen taken separately or together do not disclose or anticipate step C of claim 1 and those claims dependent thereon. Namely, c) determining estimates of robustness, with respect to said block of printed material, for each of said algorithms in said set to determine which of said characterizing algorithms is most robust; in order to produce descriptors that match sufficiently when said block of printer material is valid and do not match when said block of printed material is invalid; and those claims dependent thereon." Applicant made essentially the same assertion in the Applicant response dated 12-12-2008, pp. 12-13. Examiner responded to this assertion in the Final Office action dated 3-4-2009 as follows (reprinted for convenience):

"Regarding the prior art rejections, Applicant argues that the prior art references fail to disclose "determining estimates of robustness, with respect to said block of printed material, for each of said algorithms in said set to determine which of said characterizing algorithms is most robust, in order to produce descriptors that match sufficiently when said block of printed material is valid and do not match when said block of printed material is invalid." Examiner disagrees. This element/limitation is disclosed as a combination of the following disclosures:

a. Whitehouse discloses:

i. a method for generating a characterizing information descriptor for a selected block of printed material, where said printed material is to be scanned from an object and compared with said characterizing information descriptor at a location distant from where said block is printed (from this element/limitation comes the disclosure that said information being represented is a block of printed material [in this case, an address])

ii. in order to produce descriptors that match sufficiently when said block of printed material is valid and do not match when said block of printed material is invalid

b. Van Haagen et al. discloses:

determining estimates of robustness, with respect to said information being represented, for each of said algorithms in said set to determine which of said characterizing algorithms is most robust

See the rejection for claim 1 below in this Office action for specific citations to these prior art references. To paraphrase, Whitehouse establishes a postal indicium verification method in which a characteristic of a destination address (in that case, a ZIP+4 code) is encoded into the postal indicium. When the mailpiece is mailed, the postal service confirms that the postal indicium was generated for that particular mailpiece (to the extent that the ZIP+4 code matches) by generating the ZIP+4 code from the indicium and comparing it to the ZIP+4 code from the destination address to see if they match. So, the information being represented in Whitehouse is a block of printed material (an address), and Whitehouse's method functions in order to produce descriptors (ZIP+4 codes) that match sufficiently when said block of printed material (address) is valid (matches the indicium) and do not match when said block of printed material (address) is invalid (doesn't match the indicium). Granted, Whitehouse's method is limited to the extent that a fraudulent duplicate postal indicium may be determined valid if it happens to have been duplicated from an mailpiece that happens to have been sent to the same destination ZIP+4 code that the mailpiece with the fraudulent indicium is being sent to. However, the word "sufficiently" in the above element/limitation indicates that the method does not have to be perfect. Furthermore, "in order to produce descriptors that match sufficiently when said block of printed material is valid and do not match when said block of printed material is invalid" is a statement of intended use with questionable weight as to claim interpretation. Even so, Whitehouse satisfies this element/limitation, as it certainly intends for its matching to be a reasonably useful means of determining whether or not an indicium/mailpiece combination is valid.

Regarding Van Haagen et al., this reference includes a disclosure of a method of determining the best, most robust, barcode format to use based on a simulation of readability issues, not unlike Applicant's method of determining robustness. Therefore, Van Haagen et al. discloses "determining estimates of robustness, with respect to said information being represented, for each of said algorithms in said set to determine which of said characterizing algorithms is most robust" (in Van Haagen et al., the algorithms would be the algorithms for generating the respective barcodes from the information being represented by the barcodes)."

Examiner stands by and re-asserts the above response to Applicant's argument here.

In addition, Applicant argues that "The art cited by the Examiner does not disclose or anticipate an unknown that contains information about an algorithm that is used to determine which characterizing algorithm is most robust in order to produce descriptors that match sufficiently when the block of printed material is valid and do not match when the block of printed material is invalid." This is also essentially a restatement of an assertion made in the Applicant response dated 12-12-2008, pp. 13-14. Examiner responded to this assertion in the Final Office action dated 3-4-2009 as follows (reprinted for convenience):

"Applicant further argues that the prior art does not disclose an unknown that contains information about an algorithm that is used to determine which characterizing algorithm is most robust in order to produce descriptors that match sufficiently when the block of printed material is valid and do not match when the block of printed material is invalid. However, from the above discussion, it is clear that Whitehouse provides disclosure of a matching method for determining validity of a block of printed material (an address) for a mailpiece, while Van Haagen et al. provides disclosure of an organized method for testing and measuring robustness as a way to determine a best algorithm for representing information. Therefore, the prior art references, in combination, do indeed disclose "an unknown that contains information about an algorithm that is used to determine which characterizing algorithm is most robust in order to produce descriptors that match sufficiently when the block of printed material is valid and do not match when the block of printed material is invalid."

Examiner stands by and re-asserts the above response to Applicant's argument here.